

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MODOC.

George M. Warrens,

Plaintiff,

vs.

J. A. Wimer; W. A. Odbert; Nannie Daniels; Joshua Streiff and Ida Streiff (his wife); Victor L. Jacobs; and Georgie Jacobs (his wife); L. V. Tonningson; Mary J. Jones; W. S. Painter; Thomas Painter; Porter Heard; J. H. Hutchinson; S. B. Streif; S. B. Streif as Administrator of Estate of E. P. Streif, deceased; T. A. Read; Rufus S. Carter; Horace Hobbs; M. W. Jones; George Weilmunster; Frances E. Wilson; W. S. Jacobs, F. M. Smith and L. L. Hays; F. M. Smith; L. L. Hays; J. A. Largent and Mildred Largent (his wife) M. J. Wimer; O. P. Robinson; Emma Painter; Maggie J. Brown; Maggie J. Brown as Administrator of Estate of Judethan Brown, deceased; David W. Baty; Miss Ellen Shartell; Mrs. W. P. Polander; Mrs. Annie L. Akens and William C. Akens (her husband); Lloyd G. Wimer; Mrs. Minie Polander; Estate of Joseph K. Polander, deceased; Clara E. Vaughn; W. E. Polander; Ollie O. Crampton; E. M. Shartell; Odbert Berry and Watkins a co-partnership; W. A. Odbert, manager and owner of said co-partnership; Sam Streig; Mrs. Wilhelmie M. Streig; John Vernon and Bessie Vernon (his wife); Marion Stewart; Gerald Wilson; R. R. Hays; Simon Bennett; W. J. Hays; Mrs. C. H. Darst and C. H. Darst (husband and wife); John Miller; JOHN GOE; SAM LOE; PETER ROE; JAMES DOE; HENRY MOE AND JACK ROE.

Defendants.

NO. 3024

DECREE

The above entitled cause having been referred to the Division of Water Rights (now Division of Water Resources) of the Department of Public Works of the State of California, as referee, by an order of this Court, dated May 1, 1929, and made under authority of law as conferred by Section 24 of the Water Commission Act of the State of California, Statutes of 1913, Chapter 586, as amended, said referee having made its investigation, the parties hereto having thereafter entered into a written stipulation and agreement, said stipulation being comprised of two identical documents, each of said documents being signed by different parties and said documents comprising said stipulation being marked Part 1 and Part 2, respectively, said stipulation providing that said referee might report to the above entitled Court a decree in accordance with the provisions of said stipulation and that said Court might enter a decree in accordance with the provisions of said stipulation, said parties having further stipulated that findings of fact and conclusions of law be waived, said Division, as referee, having filed its report herein, which report embodies said stipulation of the parties, and said matter being finally submitted to this Court on said report, including said stipulation, and it appearing that said stipulation is signed

by all of the parties who have appeared in this action or by their successors in interest and that said parties who have signed said stipulation are the owners of the rights as agreed upon and set forth in said stipulation, and it further appearing as follows, to-wit:

(1) Joshua Streiff and Ida M. Streiff are jointly interested in the property described and listed in the exhibits to the report of referee in said action under the sole ownership of Joshua Streiff.

(2) Georgie Jacobs is the wife of Victor L. Jacobs and her interests have been included in the allotments herein decreed to said Victor L. Jacobs.

(3) Mrs. L. V. Tonningson herein sued as L. V. Tonningson has sold, transferred and disposed of her interests in the property involved in said action to Minard Hanks and Stella Hanks and said Hanks are now the real parties in interest in lieu of said Mrs. L. V. Tonningson.

(4) Porter Heard has died since the commencement of this action and Frances Heard, surviving wife, is the administratrix of the estate of Porter Heard.

(5) F. M. Smith and L. L. Hays have sold, transferred and disposed of their interests in the property involved in said action to Mrs. Phebe M. Mickle; since said transfer Mrs. Phebe M. Mickle has been married to B. B. Robinson and is now known as Mrs. Phebe Mickle Robinson; and said Mrs. Phebe Mickle Robinson is now the real party in interest in lieu of said F. M. Smith and L. L. Hays.

(6) Mildred Largent is the wife of J. A. Largent and her interests have been included in the allotments herein decreed to said J. A. Largent.

(7) The true name of defendant herein sued as M. J. Wimer is Mrs. M. J. Wimer and she has appeared in said action under her true name.

(8) The true name of defendant herein sued as Nannie Daniels is Mrs. Nannie Daniels and she has appeared in said action under her true name.

(9) The true name of defendant herein sued as E. M. Shartell is Mrs. E. M. Shartell and she has appeared in said action under her true name.

(10) The true name of defendant herein sued as Mrs. Minie Polander is Mrs. Minnie Polander; she has appeared in said action under her true name; and she is the sole owner of the property described and listed in the exhibits to the report of referee in said action under the ownership of W. E. Polander.

(11) W. A. Odbert is the sole owner of the interests of defendants herein sued as Odbert, Berry and Watkins a co-partnership.

(12) Defendant herein sued as Mrs. Wilhemie M. Streig is sometimes known as Mrs. W. M. Streig and she is the sole owner of the property described and listed in the exhibits to the report of referee in said action under the ownership of Sam Streig.

(13) The true name of defendant herein sued as Marion Stewart is Marion Steward and he has appeared in said action under his true name.

(14) The true name of defendant herein sued as Gerald Wilson is Gherald D. Wilson and he has appeared in said action under his true name.

(15) R. R. Hays has sold, transferred and disposed of his interests in the property involved in said action to Roy Hobbs and said Roy Hobbs is now the real party in interest in lieu of said R. R. Hays.

(16) The true name of defendants herein sued as Mrs. Annie L. Akens and William C. Akens are Mrs. Annie L. Akins and William C. Akins; they have appeared in said action under their true names; William C. Akins is the husband of Mrs. Annie L. Akins and his interests have been included in the allotments herein decreed to said Mrs. Annie L. Akins.

(17) C. H. Darst is the husband of Mrs. C. H. Darst and his interests have been included in the allotments herein decreed to said Mrs. C. H. Darst.

(18) A portion of the estate of Joseph R. Polander has been sold, transferred and disposed of to Oliver Crampton and Ollie Crampton and the remainder has been distributed to the heirs, W. E. Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer and they are now the real parties in interest in said estate.

(19) Defendant herein sued as Mrs. Clara E. Vaughn is sometimes known as Mrs. Clara Vaughn.

(20) Defendant herein sued as Mrs. Ollie O. Crampton is sometimes known as Ollie Crampton.

(21) The Mountain Valleys Dairy Products, Inc., was not served with summons and complaint in said action but now appears by stipulation as a party in said action, and the interests of said company have been described and listed in the exhibits to the report of referee in said action under the ownership of H. C. Watson, the president of said company.

(22) Defendants, Miss Ellen Shartell, Mrs. W. P. Polander, and Lloyd G. Wimer have no interest in any water right from Mill Creek and its tributaries and have no interest in any of the lands involved in said action.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS, TO-WIT:

(1st) There is in said Modoc County a natural stream of water known as and called "Mill Creek", which said creek arises on the eastern slope of the

Warner Range of Mountains in said Modoc County, State of California, and flows thence in a general easterly direction between well defined banks in a well defined channel to, upon, and across some of the lands of some of the parties to this action which lands are hereinafter described; said Mill Creek has an important tributary known as and called "Rutherford Creek" which rises to the south of said Mill Creek on said eastern slope of said range of mountains in said county and state and flows thence in a general northeasterly direction between well defined banks in a well defined channel to its confluence with said Mill Creek; said Rutherford Creek has an important tributary known as and called "Brown Creek" which rises to the north of said Rutherford Creek and to the south of said Mill Creek on said eastern slope of said range of mountains in said county and state and flows thence in a general easterly direction between well defined banks in a well defined channel to its confluence with said Rutherford Creek; and said streams have so flowed since the memory of man.

(2nd) In accordance with the stipulation hereinabove referred to and made a part hereof, by reference, the various parties to same and to whom rights are by this decree, adjudged, have diverted and used water and are entitled to divert and use water in accordance with the terms and provisions contained in said stipulation and in this decree set forth, through various and sundry ditches, which said ditches are referred to by name, and the points of diversion of each are hereby adjudged and decreed to be as follows, to-wit:

Mill Ditch

At a point (designated on Division of Water Resources Map as Diversion 1) which bears approximately S 40° E, approximately 1850 feet distant from the Northwest corner of Section 35, T⁴⁴N, R¹⁵E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 35.

King's Ditch

At a point (designated on Division of Water Resources Map as Diversion 2) which bears approximately S 5° -15' W, approximately 2150 feet distant from the Northeast corner of Section 35, T⁴⁴N, R¹⁵E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 35.

Brown Ditch

At a point (designated on Division of Water Resources Map as Diversion 3) which bears approximately S 4° -30' E, approximately 2050 feet distant from the Northwest corner of Section 36, T⁴⁴N, R¹⁵E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Dry Ditch

At a point (designated on Division of Water Resources Map as Diversion:

4) which bears approximately S 7°-45' E, approximately 1950 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Largent Ditch

At a point (designated on Division of Water Resources Map as Diversion 5) which bears approximately S 15° E, approximately 1890 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Watson Pipe Diversion

At a point (designated on Division of Water Resources Map as Diversion 6) which bears approximately S 29°-30' E., approximately 1900 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Johnson Ditch

At a point (designated on Division of Water Resources Map as Diversion 7) which bears approximately S 30°-20' E, approximately 1915 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

County Pipe Diversion

At a point (designated on Division of Water Resources Map as Diversion 8) which bears approximately S 31° E., approximately 1925 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Shop Ditch

At a point (designated on Division of Water Resources Map as Diversion 9) which bears approximately S 32°-05' E., approximately 1935 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Hutchinson Pipe Diversion

At a point (designated on Division of Water Resources Map as Diversion 10) which bears approximately S 34°-45' E., approximately 1935 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Barclay Ditch

At a point (designated on Division of Water Resources Map as Diversion 11) which bears approximately S 36°-30' E., approximately 1965 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Heard Ditch

At a point (designated on Division of Water Resources Map as Diversion 12) which bears approximately S 37° E., approximately 1980 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Odbert Ditch

At a point (designated on Division of Water Resources Map as Diversion 13) which bears approximately S 37° E., approximately 1980 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Hotel Pipe Diversion

At a point (designated on Division of Water Resources Map as Diversion 14) which bears approximately S 37°-15' E., approximately 2000 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M. and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Hotel Ditch

At a point (designated on Division of Water Resources Map as Diversion 15) which bears approximately S 37°-45' E., approximately 2030 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Wallace Ditch

At a point (designated on Division of Water Resources Map as Diversion 16) which bears approximately S 37°-45' E., approximately 2030 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Streiff Ditch

At a point (designated on Division of Water Resources Map as Diversion 17) which bears approximately S 40°-35' E., approximately 2070 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Hutchinson Flood Ditch

At a point (designated on Division of Water Resources Map as Diversion 18) which bears approximately S 49° E., approximately 2285 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Hobbs Ditch

At a point (designated on Division of Water Resources Map as Diversion

19) which bears approximately S 49°-30' E., approximately 2305 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Wimer House Ditch

At a point (designated on Division of Water Resources Map as Diversion 20) which bears approximately S 54°-10' E., approximately 2350 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Wimer Orchard Ditch

At a point (designated on Division of Water Resources Map as Diversion 21) which bears approximately S 58° E., approximately 2415 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Wimer Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 22) which bears approximately S 63°-30' E., approximately 2740 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Wimer Main Ditch

At a point (designated on Division of Water Resources Map as Diversion 23) which bears approximately S 66°-0' W., approximately 2870 feet distant from the Northeast corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 36.

Bear Ditch

At a point (designated on Division of Water Resources Map as Diversion 24) which bears approximately S 79°-30' W., approximately 1960 feet distant from the Northeast corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 36.

Wilson Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 25) which bears approximately S 81°-30' W., approximately 1550 feet distant from the Northeast corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 36.

Wilson East Ditch

At a point (designated on Division of Water Resources Map as Diversion 26) which bears approximately S 88°-30' W., approximately 1490 feet distant from the Northeast corner of Section 36, T44N, R15E, M.D.B. & M., and being

within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 36.

Wilson Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 27) which bears approximately N 27°-36' W., approximately 1530 feet distant from the Southeast corner of Section 25, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 25.

Polander Ditch

At a point (designated on Division of Water Resources Map as Diversion 28) which bears approximately S 26° E., approximately 1750 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Old Read Ditch

At a point (designated on Division of Water Resources Map as Diversion 29) which bears approximately S 44°-30' E., approximately 1700 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Read Ditch

At a point (designated on Division of Water Resources Map as Diversion 29A) which bears approximately S 35°-30' E., approximately 1530 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Read Pipe Diversion

At a point (designated on Division of Water Resources Map as Diversion 29B) which bears approximately S 30°-20' E., approximately 1645 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Painter - Polander Ditch

At a point (designated on Division of Water Resources Map as Diversion 30) which bears approximately S 30°-20' E., approximately 1645 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Jones Ditch

At a point (designated on Division of Water Resources Map as Diversion 31) which bears approximately S 30°-45' E., approximately 1625 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Streig Ditch

At a point (designated on Division of Water Resources Map as Diversion

32) which bears approximately S 44° -30' E., approximately 1425 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Shartell Ditch

At a point (designated on Division of Water Resources Map as Diversion 33) which bears approximately S 46° -15' E., approximately 1425 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Tonningson Ditch

At a point (designated on Division of Water Resources Map as Diversion 34) which bears approximately S 53° -30' E., approximately 1405 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Jacobs West Ditch

At a point (designated on Division of Water Resources Map as Diversion 35) which bears approximately S 71° E., approximately 1780 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Jacobs East Ditch

At a point (designated on Division of Water Resources Map as Diversion 36) which bears approximately S 78° -10' E., approximately 1860 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Jacobs Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 37) which bears approximately S 88° -30' E., approximately 1975 feet distant from the Northwest corner of Section 36, T44N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 36.

Jacobs Lower Dam Diversion

At a point (designated on Division of Water Resources Map as Diversion 38) which bears approximately N 80° -35' E., approximately 2010 feet distant from the Southwest corner of Section 25, T44N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 25.

Mickle Dam Diversion

At a point (designated on Division of Water Resources Map as Diversion 39) which bears approximately N 53° -25' E., approximately 2260 feet distant from the Southwest corner of Section 25, T44N, R15E, M.D.B. & M., and being

within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 25.

Veilmunster Ditch

At a point (designated on Division of Water Resources Map as Diversion 40) which bears approximately S 59°-15' E., approximately 3075 feet distant from the Northwest corner of Section 25, T44N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25.

Hot Channel

At a point (designated on Division of Water Resources Map as Diversion 41) which bears approximately S 49°-0' W., approximately 2140 feet distant from the Northeast corner of Section 25, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 25.

Lower East Channel

At a point (designated on Division of Water Resources Map as Diversion 42) which bears approximately S 43°-30' E., approximately 500 feet distant from the Northwest corner of Section 30, T44N, R16E, M.D.B. & M., and being within Lot 1 of said Section 30.

Lower Main Channel

At a point (designated on Division of Water Resources Map as Diversion 43) which bears approximately S 43°-30' E., approximately 500 feet distant from the Northwest corner of Section 30, T44N, R16E, M.D.B. & M., and being within Lot 1 of said Section 30.

Steward Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 44) which bears approximately S 52°-50' E., approximately 1605 feet distant from the Northwest corner of Section 1, T43N, R15E, M.D.B. & M., and being within Lot 4 of said Section 1.

Steward Ditch

At a point (designated on Division of Water Resources Map as Diversion 45) which bears approximately S 60°-30' E., approximately 2175 feet distant from the Northwest corner of Section 1, T43N, R15E, M. D. B. & M., and being within Lot 3 of said Section 1.

Steward Dam Diversion

At a point (designated on Division of Water Resources Map as Diversion 46) which bears approximately S 64°-0' W., approximately 2600 feet distant from the Northeast corner of Section 1, T43N, R15E, M.D.B. & M., and being within Lot 2 of said Section 1.

Hays - Wilson Ditch

At a point (designated on Division of Water Resources Map as Diversion 47) which bears approximately N 29°-30' E., approximately 2800 feet distant from the Southwest corner of Section 1, T43N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1.

Warrens - Vernon Ditch

At a point (designated on Division of Water Resources Map as Diversion 48) which bears approximately N 33°-0' E., approximately 2840 feet distant from the Southwest corner of Section 1, T43N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1.

Vernon Ditch

At a point (designated on Division of Water Resources Map as Diversion 49) which bears approximately N 34°-35' E., approximately 2860 feet distant from the Southwest corner of Section 1, T43N, R15E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 1.

Vernon Collecting Ditch

At a point (designated on Division of Water Resources Map as Diversion 50) which bears approximately N 50°-35' W., approximately 2560 feet distant from the Southeast corner of Section 1, T43N, R15E, M.D.B. & M., and being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1.

Steward Swamp Ditch

At a point (designated on Division of Water Resources Map as Diversion 51) which bears approximately S 38°-25' W., approximately 1740 feet distant from the Northeast corner of Section 1, T43N, R15E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 1.

Bennett Collecting Ditch

At a point (designated on Division of Water Resources Map as Diversion 52) which bears approximately N 83°-10' W., approximately 1550 feet distant from the Southeast corner of Section 36, T44N, R15E, M.D.B. & M., and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36.

Hobbs Swamp Ditch

At a point (designated on Division of Water Resources Map as Diversion 53) which bears approximately S 1°-0' E., approximately 2045 feet distant from the Northwest corner of Section 31, T44N, R16E, M.D.B. & M., and being within the Lot 2 of said Section 31.

Bennett Re-Diversion Ditch

At a point (designated on Division of Water Resources Map as Diversion

54) which bears approximately S 2°-30' E., approximately 1975 feet distant from the Northwest corner of Section 31, T44N, R16E, M.D.B. & M., and being within Lot 1 of said Section 31.

Hays Collecting Ditch

At a point (designated on Division of Water Resources Map as Diversion 54A) which bears approximately S 29°-00' W., approximately 2000 feet distant from the Northwest corner of Section 31, T44N, R16E, M.D.B. & M., and being within Lot 1 of said Section 31.

Hays Ditch

At a point (designated on Division of Water Resources Map as Diversion 55) which bears approximately S 66°-25' E., approximately 1480 feet distant from the Northwest corner of Section 31, T44N, R16E, M.D.B. & M., and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 31.

Hays House Ditch

At a point (designated on Division of Water Resources Map as Diversion 56) which bears approximately N 69°-15' E., approximately 2420 feet distant from the Southwest corner of Section 30, T44N, R16E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 30.

Hays Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 57) which bears approximately N 62°-40' E., approximately 2640 feet distant from the Southwest corner of Section 30, T44N, R16E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 30.

Daniels Upper Ditch

At a point (designated on Division of Water Resources Map as Diversion 58) which bears approximately S 50°-0' E., approximately 3425 feet distant from the Northwest corner of Section 30, T44N, R16E, M.D.B. & M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 30.

Daniels Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 59) which bears approximately S 58°-55' E., approximately 3070 feet distant from the Northwest corner of Section 30, T44N, R16E, M.D.B. and M., and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 30.

Robinson Ditch

At a point (designated on Division of Water Resources Map as Diversion 59A) which bears approximately S 58°-50' E., approximately 3060 feet distant from the Northwest corner of Section 30, T44N, R16E, M.D.B. & M., and being

within the $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 30.

Hays Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 60) which bears approximately S 80° -10' W., approximately 2010 feet distant from the Northeast corner of Section 30, T44N, R16E, M.D.B. & M., and being within the $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 30.

Warrens Ditch

At a point (designated on Division of Water Resources Map as Diversion 61) which bears approximately S 89° -15' W., approximately 1825 feet distant from the Northeast corner of Section 30, T44N, R16E, M.D.B. & M., and being within the $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 30.

Miller Collecting Ditch

At a point (designated on Division of Water Resources Map as Diversion 62) which bears approximately S 41° -0' W., approximately 1030 feet distant from the Northeast corner of Section 36, T44N, R15E, M.D.B. & M., and being within the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 36.

(3rd) At the time of commencement of this action, Mrs. Annie L. Akins was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

The Northerly portion of the Southeast quarter of the Southwest quarter of the Northwest quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$) containing about four (4.0) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M., being within the town of Lake City.

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Three and four-tenths (3.4) acres in said Southeast quarter of the Southwest quarter of the Northwest quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$) of said Section thirty-six (36).

(4th) At the time of the commencement of this action, David W. Baty was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Southeasterly portion of Lot three (3) containing twenty and five-tenths (20.5) acres, and Lot four (4) of Section eighteen (18); North one-half ($N\frac{1}{2}$), North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), and the southwesterly portion of Lot six (6) containing about fourteen (14) acres, of Section nineteen (19), all in Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Twenty and five tenths (20.5) acres in said Lot three (3), and sixty-one and six tenths (61.6) acres in said Lot four (4) of said Section eighteen (18); one hundred and eleven and seven tenths (111.7) acres in Lot one (1), thirty-nine and two tenths (39.2) acres in Lot two (2), and one hundred and fourteen and one tenth (114.1) acres in Lot five (5) of said North one-half ($N\frac{1}{2}$), thirty-six and six tenths (36.6) acres in Lot three (3) and thirty-four and seven tenths (34.7) acres in the Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of said North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), and twelve and one tenth (12.1) acres in said Lot six (6) of said Section nineteen (19).

(5th) At the time of commencement of this action, Simon Bennett was the owner, in the possession, and entitled to the possession, and for more than ten years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Southeast quarter ($SE\frac{1}{4}$) of Section thirty (30), Township forty-four (44) North, Range sixteen (16) East, M.D.B. and M.

and during all of said times, he and his grantors have irrigated from the waters of Rutherford Creek, the following portion of said land, to-wit:

Twenty-seven and two tenths (27.2) acres in the Southwest quarter of said Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section thirty (30).

(6th) At the time of the commencement of this action, Mrs. Maggie J. Brown, administratrix of the estate of Judethan Brown, deceased, was the owner, in the possession, and entitled to the possession as such administratrix, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Central portion of the Southeast quarter of the Southwest quarter of the Northwest quarter ($SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) containing about two (2.0) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M., being within the town of Lake City.

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

One and eight tenths (1.8) acres in said Southeast quarter of the Southwest quarter of the Northwest quarter ($SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(7th) At the time of the commencement of this action, Rufus S. Carter was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Central portion of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) containing about two and one-tenth (2.1) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M., being within the town of Lake City,

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Two and one tenth (2.1) acres in said Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(8th) At the time of the commencement of this action, the heirs of the Estate of Joseph K. Polander were the owners, in the possession, and entitled to the possession, and for more than twenty years prior thereto, said heirs and their grantors and predecessors in interest were the owners, in the possession, and entitled to the possession, and now Oliver Crampton and Ollie Crampton are the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A strip along the west side of the Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) containing four and six tenths (4.6) acres, North one-half of the Southwest quarter ($N\frac{1}{2} SW\frac{1}{4}$), a strip along the south side of the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$) within the town of Lake City containing about one and five tenths (1.5) acres, and a strip along the south side of the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) within the town of Lake City containing about four (4.0) acres, all in Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M.

and during all of said times, said heirs and their grantors had irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Four (4.0) acres in said Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$), seven tenths (0.7) acre in said Southwest quarter of the Northwest quarter ($SW\frac{1}{4}NW\frac{1}{4}$), six and three tenths (6.3) acres in the Northwest quarter of said Southwest quarter ($NW\frac{1}{4}SW\frac{1}{4}$), thirty-seven and three tenths (37.3) acres in the Northeast quarter of said Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$), and four and six tenths (4.6) acres in said Northwest quarter of the Southeast quarter ($NW\frac{1}{4}SE\frac{1}{4}$) of said Section thirty-six (36).

(9th) At the time of the commencement of this action, Mrs. Nannie Daniels was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$) and North one-half of the South one-half of the Northeast quarter ($N\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$) of Section thirty (30), Township forty-four (44) North, Range sixteen (16) East, M.D.B. and M.; southerly portion of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$) containing about four tenths (0.4) acre, and a northerly portion of the Northwest quarter of the Southeast quarter of the Northwest quarter ($NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$) containing about six tenths (0.6) acre of Section thirty-six (36), being in the town of Lake City in Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M.

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek and Rutherford Creek, the following portion of said land, to-wit:

Thirty-six and seven tenths (36.7) acres in said Northeast quarter of the Northeast quarter ($NE\frac{1}{4}NE\frac{1}{4}$), fifteen and nine tenths acres in the North one-half of the Southeast quarter of said Northeast quarter ($N\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$), and nineteen and one tenth (19.1) acres in the North one-half of the Southwest quarter of said Northeast quarter ($N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$) of said Section thirty (30); four tenths (0.4) acre in said Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$), and six tenths (0.6) acre in said Northwest quarter of the Southeast quarter of the Northwest quarter ($NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$) of said Section thirty-six (36).

(10th) At the time of the commencement of this action, Mrs. C. H. Darst was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession

of the following described land situated in said Modoc County, California, to-wit:

South one-half of the South one-half of the Northeast quarter ($S\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$) of Section thirty (30), Township forty-four (44) North, Range sixteen (16) East, M.D.B. and M.

and during all of said times, she and her grantors have irrigated from the waters of Rutherford Creek, the following portion of said land, to-wit:

Six (6.0) acres in the South one-half of the Southwest quarter of said Northeast quarter ($S\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$) of said Section thirty (30).

(11th) At the time of the commencement of this action, W. J. Hays was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), and East one-half of the Southwest quarter ($E\frac{1}{2} SW\frac{1}{4}$) of Section thirty (30), Township forty-four (44) North, Range sixteen (16) East, M.D.B. and M.

and during all of said times, he and his grantors have irrigated from the waters of Rutherford Creek, the following portions of said land, to-wit:

Twenty-five and eight tenths (25.8) acres in said Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) twenty-four and eight tenths (24.8) acres in said Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirty-five and seven tenths (35.7) acres in the Northeast quarter of said Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$), and thirty-five and eight tenths (35.8) acres in the Southeast quarter of said Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of said Section thirty (30).

(12th) At the time of the commencement of this action, Porter Heard was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession, and now Frances Heard, administratrix of the Estate of Porter Heard, deceased, is the owner, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

A portion of the Southwest quarter of the Southeast quarter of the Northwest quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) containing about six and seven tenths (6.7) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M. D. B. and M. being within the town of Lake City.

and during all of said times, said Porter Heard and his grantors had irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Six and three tenths (6.3) acres in said Southwest quarter of the Southeast quarter of the Northwest quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(13th) At the time of the commencement of this action, Horace Hobbs was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A portion of the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) in the town of Lake City containing about five (5.0) acres, North one-half of the South one-half of the Northeast quarter ($N\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$) of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M.; and the North one-half of Lot two (2) of Section thirty-one (31), Township forty-four (44) North, Range sixteen (16) East, M.D.B. and M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek and Rutherford Creek the following portions of said land, to-wit:

Eighteen and five tenths (18.5) acres in said Lot two (2) of said Section thirty-one (31); Nineteen and five tenths (19.5) acres in the Southwest quarter of said Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), twenty and two tenths (20.2) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and three and five tenths (3.5) acres in said Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(14th) At the time of the commencement of this action, R. R. Hays and Belva Hays were the owners, in the possession, and entitled to the possession, and for more than twenty years prior thereto, they and their grantors and predecessors in interest were the owners, in the possession, and entitled to the possession, and now Roy Hobbs is the owner, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

South one-half of the Southwest quarter ($S\frac{1}{2} SW\frac{1}{4}$) of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M.

and during all of said times, said R. R. Hays and Belva Hays and their grantors had irrigated from the waters of Rutherford Creek, the following portions of said land, to-wit:

Thirty-five and eight tenths (35.8) acres in the Southeast quarter of said Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and nine tenths (0.9) acre in the Southwest quarter of said Southwest quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of said Section Thirty-six (36).

(15th) At the time of the commencement of this action, J. H. Hutchinson was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A portion of the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) containing about four (4.0) acres, and a portion of the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) containing about two tenths (0.2) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D. B. and M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Four (4.0) acres in said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), and two tenths (0.2) acre in said Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(16th) At the time of the commencement of this action, Victor L. Jacobs was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A strip along the north side of the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) in the town of Lake City, containing about six (6.0) acres of Section thirty-six (36); Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), except a strip containing two and five tenths (2.5) acres along the east side of said forty acre tract, of Section twenty-five (25), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Thirty-nine and four tenths (39.4) acres in said Southwest quarter of the Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), forty (40.0) acres in said Northwest quarter of the Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and thirty-six and two tenths (36.2) acres in said Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section twenty-five (25); and four and two tenths (4.2) acres in said Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of said Section thirty-six (36).

(17th) At the time of the commencement of this action, W. S. Jacobs was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Northeasterly portion of the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) in the town of Lake City containing about seven (7.0) acres of Section thirty-six (36); and Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-five (25), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Five and nine tenths (5.9) acres in said Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36); and thirty one and one tenth (31.1) acres in said Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section twenty-five (25).

(18th) At the time of the commencement of this action, Mrs. Marv J. Jones was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

A portion of the Northwest quarter of the Southeast quarter of the Northwest quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) containing about one and one tenth (1.1) acres of Section thirty-six (36), in Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

One (1.0) acre in said Northwest quarter of the Southeast quarter of the Northwest quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(19th) At the time of the commencement of this action, M. W. Jones was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Westerly portion of the Southeast quarter of the Northwest quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) containing about one and three tenths (1.3) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek the following portion of said land, to-wit:

One and three tenths (1.3) acres in said Southeast quarter of the Northwest quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(20th) At the time of the commencement of this action, J. A. Largent was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Southwesterly portion of the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) containing about five (5.0) acres, and Northwesterly portion of the Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$) containing about six (6.0) acres, of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Three and six tenths (3.6) acres in said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$), and four and three tenths (4.3) acres in said Southwest quarter of the Northwest quarter ($SW\frac{1}{4} NW\frac{1}{4}$), of said Section thirty-six (36).

(21st) At the time of the commencement of this action, John Miller was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Lot two (2), Lot three (3), and Lot four (4) of Section thirty (30), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from a ditch collecting waste waters of Mill Creek, the following portions of said land, to-wit:

Thirty-seven and one tenth (37.1) acres in said Lot two (2), thirty-nine and four tenths (39.4) acres in said Lot three (3), and thirty-eight and seven tenths (38.7) acres in said Lot four (4) of said Section thirty (30).

(22nd) At the time of the commencement of this action, W. A. Odbert was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Southwesterly portion of the Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) containing about four tenths (0.4) acre, Northwesterly portion of the Northwest quarter of the Southeast quarter of the Northwest quarter ($NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) containing about six tenths (0.6) acre, and northeasterly portion of the Northeast quarter of the Southwest quarter of the Northwest quarter ($NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) containing about one tenth (0.1) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M. being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Four tenths (0.4) acre in said Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$), six tenths (0.6) acre in said Northwest quarter of the Southeast quarter of the Northwest quarter ($NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), and one tenth (0.1) acre in said Northeast quarter of the Southwest quarter of the Northwest quarter ($NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(23rd) At the time of the commencement of this action, Emma Painter was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Southwesterly portion of the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) containing about four (4.0) acres of Section thirty-six, Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Three (3.0) acres in said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(24th) At the time of the commencement of this action, Thomas Painter was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

A portion near the center of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about eight tenths (0.8) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Eight tenths (0.8) acre in said Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(25th) At the time of the commencement of this action, W. S. Painter was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Westerly portion of the Southwest quarter of the Southeast quarter of the Northwest quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) containing about two and two tenths (2.2) acres, and easterly portion of the Southeast quarter of the Southwest quarter of the Northwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about two tenths (0.2) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Two and two tenths (2.2) acres in said Southwest quarter of the Southeast quarter of the Northwest quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), and two tenths (0.2) acre in said Southeast quarter of the Southwest quarter of the Northwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(26th) At the time of the commencement of this action, Mrs. Minnie Polander was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Northwesterly portion of the Southeast quarter of the Northwest quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about eight tenths (0.8) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Eight tenths (0.8) acre in said Southeast quarter of the Northwest quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(27th) At the time of the commencement of this action, the heirs of the Estate of Joseph K. Polander were the owners, in the possession, and entitled to the possession, and for more than twenty years prior thereto, they and their grantors and predecessors in interest were the owners, in the possession, and entitled to the possession, and now W. E. Polander, Mrs. Clara Vaughn, and Mrs. M. J. Vimer are the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

A portion of the northeast quarter of the Southwest quarter of the Northwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about three tenths (0.3) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, said heirs of said estate and their grantors had irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Three tenths (0.3) acre in said Northeast quarter of the Southwest quarter of the Northwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(28th) At the time of the commencement of this action, T. A. Read was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A portion of the Southeast quarter of the Northwest quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about one and four tenths (1.4) acres, a portion of the Northeast quarter of the Southwest quarter of the Northwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about four tenths (0.4) acre, and a portion of the Southwest quarter of the Northeast quarter of the Northwest quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) containing about seven tenths (0.7) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit: -

One and four tenths (1.4) acres in said Southeast quarter of the Northwest quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$), four tenths (0.4) acre in said Northeast quarter of the Southwest quarter of the Northwest quarter ($NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$), and seven tenths (0.7) acre in said Southwest quarter of the Northeast quarter of the Northwest quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(29th) At the time of the commencement of this action, O. P. Robinson was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

South one-half ($S\frac{1}{2}$) of Section twenty-four (24), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.; Lot one (1), and Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of Section thirty (30); Lot four (4), and Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of Section nineteen (19), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek and Rutherford Creek, the following portions of said land, to-wit:

Eight and seven tenths (8.7) acres in the Northeast quarter of the Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), and twenty-seven and seven tenths (27.7) acres in the Southeast quarter of the Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section twenty-four (24); thirty-nine and six tenths (39.6) acres in said Lot one (1), and thirty-nine (39.0) acres in said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of said Section thirty (30); thirty-nine and five tenths (39.5) acres in said Lot four (4), and thirty-seven and eight tenths (37.8) acres in said Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of said Section nineteen (19).

(30th) At the time of the commencement of this action, F. M. Smith and L. L. Hays were the owners, in the possession, and entitled to the possession, and for more than twenty years prior thereto, they and their grantors and predecessors in interest were the owners, in the possession, and entitled to the possession, and now Mrs. Phebe Mickle Robinson is the owner, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

South one-half of the Northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), and North one-half of the Southwest quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section twenty-five (25), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, said F. M. Smith and L. L. Hays and their grantors had irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Nine and three tenths (9.3) acres in the Southeast quarter of said Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), thirty-seven and nine tenths (37.9) acres in the Northeast quarter of said Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), and three and four tenths (3.4) acres in the Northwest quarter of said Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section twenty-five (25).

(31st) At the time of the commencement of this action, Mrs. E. M. Shartell was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Easterly portion of the Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about one (1.0) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Nine tenths (0.9) acre in said Northwest quarter of the Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(32nd) At the time of the commencement of this action, Marion Steward was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Lot one (1), Lot two (2), Lot three (3), and Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section one (1), Township forty-three (43) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Brown Creek and Rutherford Creek, the following portions of said land, to-wit:

Twenty-two and seven tenths (22.7) acres in said Lot one (1), thirty and three tenths (30.3) acres in said Lot two (2), ten and five tenths (10.5) acres in said Lot three (3), and five tenths (0.5) acre in said Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section one (1).

(33rd) At the time of the commencement of this action, Joshua Streiff and Ida Streiff were the owners, in the possession, and entitled to the possession, and for more than twenty years prior thereto, they and their grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A portion of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) containing about five (5.0) acres in the town of Lake City, and South one-half of the South one-half of the Northeast quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.; South one-half of Lot two (2) of Section thirty-one (31), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, they and their grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Four and five tenths (4.5) acres in said Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), twenty and three tenths (20.3) acres in the Southeast quarter of said Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and eighteen and one tenth (18.1) acres in the Southwest quarter of said Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section thirty-six (36); and thirteen and three tenths (13.3) acres in said Lot two (2) of said Section thirty-one (31).

(34th) At the time of the commencement of this action, S. B. Streif as trustee of the Estate of E. P. Streif was the owner, as said trustee, in the possession, and entitled to the possession, and for more than twenty years prior thereto, said trustee and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Easterly portion of the Northeast quarter of the Northwest quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about two (2.0) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, said trustee and his grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

One and nine tenths (1.9) acres in said Northeast quarter of the Northwest quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(35th) At the time of the commencement of this action, S. B. Streif was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Southerly portion of the Northwest quarter of the Southeast quarter of the Northwest quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) containing about two tenths (0.2) acre of Section thirty-six (36), Township forty-four (44), Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Two tenths (0.2) acre in said Northwest quarter of the Southeast quarter of the Northwest quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(36th) At the time of the commencement of this action, Mrs. W. M. Streig was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Westerly portion of the Northeast quarter of the Northwest quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) containing about four and five tenths (4.5) acres of Section thirty-six, (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. and M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Two (2.0) acres in said Northeast quarter of the Northwest quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

(37th) At the time of the commencement of this action, Mrs. L. V. Tonningson was the owner, in the possession, and entitled to the possession,

and for more than twenty years prior thereto she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession, and now Minard Hanks and Stella Hanks are the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Westerly portion of the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) containing about one and two tenths (1.2) acres, and easterly portion of the Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) containing about five tenths (0.5) acre of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City,

and during all of said times, said Mrs. L. V. Tonningson and her grantors had irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

One and two tenths (1.2) acres in said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), and five tenths (0.5) acre in said Northwest quarter of the Northwest quarter ($NW\frac{1}{4} NW\frac{1}{4}$) of said Section thirty-six (36).

(38th) At the time of the commencement of this action, John Vernon and Bessie Vernon were the owners, in the possession, and entitled to the possession and for more than twenty years prior thereto, they and their grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

South one-half of the Northeast quarter ($S\frac{1}{2} NE\frac{1}{4}$), North one-half of the Southeast quarter ($N\frac{1}{2} SE\frac{1}{4}$), and Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section one (1), Township forty-three (43) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, they and their grantors have irrigated from the waters of Rutherford Creek, the following portions of said land, to-wit:

Thirty-five and nine-tenths (35.9) acres in the Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), twenty-seven and nine tenths (27.9) acres in the Southwest quarter of said Northeast quarter ($SW\frac{1}{4} NE\frac{1}{4}$), forty and nine tenths (40.9) acres in the Northeast quarter of said Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), thirty-three (33.0) acres in the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and one and nine tenths (1.9) acres in said Northeast quarter of the Southwest quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of said Section one (1).

(39th) At the time of the commencement of this action, George M. Warrens was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of Section one (1), Township forty-three (43) North, Range fifteen (15) East, M.D.B. & M.; all of Lot six (6), except about fourteen (14.0) acres of the southwesterly portion, Lot seven (7), and Lot eight (8) of Section nineteen (19), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek and Rutherford Creek, the following portions of said land, to-wit:

Three and four tenths (3.4) acres in said Southeast quarter of the Southwest quarter ($SE\frac{1}{4} SW\frac{1}{4}$), and thirty-five and two tenths (35.2) acres in said Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section one (1); ninety and five tenths (90.5) acres in said Lot six (6), thirty-three (33.0) acres in said Lot seven (7), and fifty-two and seven tenths (52.7) acres in said Lot eight (8) of said Section nineteen (19).

(40th) At the time of the commencement of this action, George Weilmunster was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

North one-half of the North one-half ($N\frac{1}{2} N\frac{1}{2}$) of Section twenty-five (25), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Thirty-six (36.0) acres in the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), and ten and three tenths (10.3) acres in the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of said Section twenty-five (25).

(41st) At the time of the commencement of this action, Frances E. Wilson was the owner, in the possession, and entitled to the possession, and for

more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

A strip along the north side of the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) containing about five and five tenths (5.5) acres, and the Northeasterly portion of the Northeast quarter of the Northwest quarter of the Northeast quarter ($NE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) containing about one and two tenths (1.2) acres of Section thirty-six (36); Southeast quarter of the Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), East one-half of the Southeast quarter ($E\frac{1}{2} SE\frac{1}{4}$), and a strip along the east side of the Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) containing about two and five tenths (2.5) acres, of Section twenty-five (25), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Five (5.0) acres in said Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$), and one and two tenths (1.2) acres in said Northeast quarter of the Northwest quarter of the Northeast quarter ($NE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) of said Section thirty-six (36); thirty-four and two tenths (34.2) acres in said Southeast quarter of said Northeast quarter ($SE\frac{1}{4} NE\frac{1}{4}$), thirty-four and one tenth (34.1) acres in the Northeast quarter of said Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), thirty-seven and nine tenths (37.9) acres in the Southeast quarter of said Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$), and two and five tenths (2.5) acres in said Southwest quarter of the Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of said Section twenty-five (25).

(42nd) At the time of the commencement of this action, Gherald D.

Wilson was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Southeast quarter ($SE\frac{1}{4}$), except a strip along the west side of the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$) containing about four and six tenths (4.6) acres, of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East; and Lot three (3) and Lot four (4) of Section thirty-one (31), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Rutherford Creek, the following portions of said land, to-wit:

Thirty-five (35.0) acres in the Northeast quarter of said Southeast quarter ($NE\frac{1}{4} SE\frac{1}{4}$), thirty and six tenths (30.6) acres in the Northwest quarter of said Southeast quarter ($NW\frac{1}{4} SE\frac{1}{4}$), thirty-eight (38.0) acres in the Southwest quarter of said Southeast quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and twenty-three and one tenth (23.1) acres in the Southeast quarter of said Southeast quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of said Section thirty-six (36); and three and nine tenths (3.9) acres in said Lot three (3) of said Section thirty-one (31).

(43rd) At the time of the commencement of this action, J. A. Wimer was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, he and his grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described lands situated in said Modoc County, California, to-wit:

Northeasterly portion of the Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$) containing about two (2.0) acres within the town of Lake City, southeasterly portion of the Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$) containing about fourteen (14.0) acres within the town of Lake City, southerly portion of the Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$) containing about thirty (30.0) acres within the town of Lake City, and southerly portion of the Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) containing about thirty-three (33.0) acres of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East; and Lot one (1) of Section thirty-one (31), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

and during all of said times, he and his grantors have irrigated from the waters of Mill Creek, the following portions of said land, to-wit:

Eight tenths (0.8) acre in said Southeast quarter of the Northwest quarter ($SE\frac{1}{4} NW\frac{1}{4}$), thirteen and five tenths (13.5) acres in said Northeast quarter of the Northwest quarter ($NE\frac{1}{4} NW\frac{1}{4}$), twenty-nine and five tenths (29.5) acres in said Northwest quarter of the Northeast quarter ($NW\frac{1}{4} NE\frac{1}{4}$), and thirty-two and seven tenths (32.7) acres in said Northeast quarter of the Northeast quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of said Section thirty-six (36); and thirty-nine and six tenths (39.6) acres in said Lot one (1) of said Section thirty-one (31).

(44th) At the time of the commencement of this action, Mrs. M. J. Wimer was the owner, in the possession, and entitled to the possession, and for more than twenty years prior thereto, she and her grantors and predecessors in interest were the owners, in the possession, and entitled to the possession of the following described land situated in said Modoc County, California, to-wit:

Southeasterly portion of the Southeast quarter of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) containing about six (6.0) acres of Section thirty-six (36.0), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M., being within the town of Lake City

and during all of said times, she and her grantors have irrigated from the waters of Mill Creek, the following portion of said land, to-wit:

Six (6.0) acres in said Southeast quarter of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section thirty-six (36).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED AS FOLLOWS, TO-WIT:

(45th) Marion Steward is entitled to divert from the natural flow of Brown Creek, by means of either the Steward Garden Ditch, the Steward Ditch, or the Steward Dam, or in part by means of each of said diversions, 0.80 cubic foot per second, or as much thereof as he directly applies to beneficial use for the purposes hereinafter set forth; said water to be diverted from said Brown Creek at any, or in part from all, of three points designated on Division of Water Resources Map as Diversions 44, 45 and 46, which points are hereinbefore described in paragraph (2nd); said water to be used for domestic and stock watering purposes and for the irrigation of his lands hereinbefore described; and whenever the total flow of Brown Creek is in excess of 0.80 cubic foot per second, said Marion Steward may divert and apply water to said lands at a greater rate than hereinabove provided in this paragraph; provided however, that the maximum rate of diversion under the right provided in this paragraph shall not exceed 1.60 cubic feet per second and the continuous flow equivalent thereof during any 90 day period shall not exceed 0.80 cubic foot per second.

(46th) Simon Bennett is entitled to divert from the flow developed by means of the Bennett Collecting Ditch from Rutherford Swamp, 0.40 cubic foot per second, said ditch heading at a point designated on Division of Water Resources Map as Diversion 52, as hereinbefore described in paragraph (2nd); all of said water to be delivered by said Bennett Collecting Ditch into the natural channel of Rutherford Creek near the Northeast corner of the Southeast quarter (SE $\frac{1}{4}$) of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.; all of said water or as much thereof as he directly applies to beneficial use, to be re-diverted from said Rutherford Creek by means of the Bennett Re-diversion Ditch at a point designated on Division of

Water Resources Map as Diversion 54 as hereinbefore described in paragraph (2nd); and said water to be used for domestic and stock watering purposes and for the irrigation of his lands hereinbefore described; provided, however, that the amount of water re-diverted from said Rutherford Creek by means of said Bennett Re-diversion Ditch, as measured at the point where said ditch crosses the east boundary of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section thirty-one (31), Township (44) North, Range (16) East, M.D.B. & M., shall at no time exceed the amount of water being delivered into said Rutherford Creek by means of said Bennett Collecting Ditch.

(47th) W. J. Hays, Mrs. Nannie Daniels, and Mrs. C. H. Darst are entitled to divert the entire flow developed by them by means of the Hays Collecting Ditch heading at a point designated on Division of Water Resources Map as Diversion 54A as hereinbefore described in paragraph (2nd) from springs and swamps on the ranches of Horace Hobbs and J. A. Wimer in lieu of an equal amount of water hereinafter decreed to them; said developed water to be collected and delivered into Rutherford Creek and re-diverted therefrom by means of diversions designated on said map as Diversions 55, 56, 57, 58 and 59, as hereinbefore described in said paragraph (2nd).

(48th) John Miller is entitled to divert from the flow developed by means of the Miller Collecting Ditch from the ranch of J. A. Wimer,

1.65 cubic feet per second,

said ditch heading at a point designated on Division of Water Resources Map as Diversion 62, as hereinbefore described in paragraph (2nd); and said water to be used by him for domestic, stock watering and irrigation purposes upon his lands as hereinbefore described.

(49th) Subject to the foregoing rights and provisions the water that drains into the natural channel of Rutherford Creek from Rutherford Swamp to the extent of 0.25 cubic foot per second, measured at a point designated on Division of Water Resources Map as Diversion 55, as hereinbefore described in paragraph (2nd), shall be allowed to flow unobstructed down said channel of Rutherford Creek for stock watering purposes.

(50th) Subject to the foregoing rights and provisions the following named parties are entitled to the use of the water that drains into the natural channel of Rutherford Creek from Rutherford Swamp for garden irrigation and domestic purposes in the amounts set opposite to their respective names and

through the ditches set opposite their respective names, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic-feet per Second</u>
W. J. Hays	Hays Garden	0.10
Mrs. C. H. Darst	Daniels Upper	0.05
Mrs. Nannie Daniels	Daniels Upper	0.10

Each and all of the foregoing rights and allotments in this paragraph adjudged and decreed are on an equal and correlative basis as to priority, and at all times when the water supply in said creek from said swamp is inadequate to supply all prior rights and to fully supply said rights provided in this paragraph, then during the continuance of such shortage, the owners of said rights provided in this paragraph shall divide said available water supply, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective rights provided in this paragraph bear to the total of said rights provided in this paragraph.

(51st) Subject to the foregoing rights and provisions, John Vernon and Bessie Vernon, jointly, Roy Hobbs, and Gherald D. Wilson are the owners of the first right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp and in and to the use thereof, during the period from January first to December thirty-first, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through the Hays-Wilson Ditch as hereinbefore described in paragraph (2nd), for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Cubic Feet per Second</u>
John Vernon and Bessie Vernon, jointly	0.01
Roy Hobbs	0.10
Gherald D. Wilson	0.10

Each and all of the foregoing rights and allotments in this paragraph adjudged and decreed are first rights for continuous use for garden irrigation and domestic and stock watering purposes throughout the entire year and are superior to all other rights to the use of water from said Rutherford Creek above Rutherford Swamp during said season; and said allotments of first priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said creek is inadequate to fully supply such allotments of first priority, then during the continuance of such shortage, the owners of such allotments of first priority shall divide the water which may be flowing in said creek above said swamp, in the ratios that their respective

allotments of first priority specified hereinabove in this paragraph bear to the total of said allotments of first priority.

(52nd) Subject to the foregoing rights and provisions, George M. Warrens is the owner of the second right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp, and in and to the use thereof, during the period from January first to December thirty-first, inclusive, of each and every year, in the amount of 0.10 cubic foot per second through the Warrens-Vernon ditch as hereinbefore described in paragraph (2nd) for use upon his lands so heretofore irrigated and hereinbefore described.

Said right and allotment in this paragraph adjudged and decreed is a second right for continuous use for garden irrigation and domestic and stock watering purposes throughout the entire year and is inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but is superior to all other rights to the use of water from said Rutherford Creek above said Rutherford Swamp.

(53rd) Subject to the foregoing rights and provisions, Roy Hobbs, and Gherald D. Wilson are the owners of the third right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through the Hays-Wilson Ditch as hereinbefore described in paragraph (2nd), for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Cubic feet per Second</u>
Roy Hobbs	0.10
Gherald D. Wilson	0.10

Each and both of the foregoing rights and allotments in this paragraph adjudged and decreed are for use for irrigation purposes during the irrigation season defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Rutherford Creek above Rutherford Swamp during said season; and said allotments of third priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said creek is inadequate to supply all prior rights and to fully supply such allotments of third priority, then during the continuance of such

shortage, the owners of such allotments of third priority shall divide the water, if any, which may be flowing in said creek above said swamp, in the ratios that their respective allotments of third priority specified hereinabove in this paragraph bear to the total of said allotments of third priority.

(54th) Subject to the foregoing rights and provisions, John Vernon and Bessie Vernon, jointly, are the owners of the fourth right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the amount of 0.11 cubic foot per second through the Vernon Ditch as hereinbefore described in paragraph (2nd) for use upon their lands so heretofore irrigated and hereinbefore described.

Said right and allotment in this paragraph adjudged and decreed is for use for irrigation purposes during the irrigation season defined in this paragraph and is inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but is superior to all other rights to the use of water from said Rutherford Creek above said Rutherford Swamp.

(55th) Subject to the foregoing rights and provisions, John Vernon and Bessie Vernon, jointly, and George M. Warrens are the owners of the fifth right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through the Warrens-Vernon Ditch as hereinbefore described in paragraph (2nd), for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Cubic feet per Second</u>
George M. Warrens	0.50
John Vernon and Bessie Vernon, jointly	0.68

Each and both of the foregoing rights and allotments in this paragraph adjudged and decreed are for use for irrigation purposes during the irrigation season defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Rutherford Creek above Rutherford Swamp during said season; and said allotments of fifth priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said creek is inadequate to supply all prior rights and to fully supply

such allotments of fifth priority, then during the continuance of such shortage, the owners of such allotments of fifth priority shall divide the water, if any, which may be flowing in said creek above said swamp, in the ratios that their respective allotments of fifth priority specified hereinabove in this paragraph bear to the total of said allotments of fifth priority.

(56th) Subject to the foregoing rights and provision, Roy Hobbs is the owner of the sixth right in and to the waters flowing in said Rutherford Creek above Rutherford Swamp, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the amount of 0.20 cubic foot per second through the Hays-Wilson Ditch as hereinbefore described in paragraph (2nd) for use upon his lands so heretofore irrigated and hereinbefore described.

Said right and allotment in this paragraph adjudged and decreed is for use for irrigation purposes during the irrigation season defined in this paragraph and is inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but is superior to all other rights to the use of water from said Rutherford Creek above said Rutherford Swamp.

(57th) Subject to the foregoing rights and provisions, John Vernon and Bessie Vernon, jointly, Marion Steward, Roy Hobbs, Gherald D. Wilson, W. J. Hays, Mrs. C. H. Darst, Mrs. Nannie Daniels, O. P. Robinson, and George M. Warrens are the owners of the seventh right in and to the waters flowing in Rutherford Creek, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, and through the ditches set opposite their respective names, for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
John Vernon and Bessie Vernon, jointly	Warrens - Vernon) and, or Vernon)	0.85
Marion Steward	Steward Swamp	0.10
Roy Hobbs	Hays - Wilson	0.15
Gherald D. Wilson	Hays - Wilson	0.40
W. J. Hays	Hays, Hays Garden, Hays) House and, or Hays Lower)	0.75
Mrs. C. H. Darst	Daniels Upper	0.10

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
Mrs. Nannie Daniels	Daniels Upper and,) or Daniels Lower)	0.90
O. P. Robinson	Robinson	0.35
George M. Warrens	Warrens	0.65
W. J. Hays	Channel of Rutherford Creek	0.70

Each and all of the foregoing rights and allotments in this paragraph adjudged and decreed are for use for irrigation purposes during the irrigation season defined in this paragraph and are inferior and subject to all rights from Rutherford Creek in this decree hereinbefore adjudged and decreed; and said allotments of seventh priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said creek is inadequate to supply all prior rights and to fully supply such allotments of seventh priority, then during the continuance of such shortage, the owners of such allotments of seventh priority shall divide the water, if any, which may be flowing in said creek, in the ratios that their respective allotments of seventh priority specified hereinabove in this paragraph bear to the total of said allotments of seventh priority.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED AS FOLLOWS, TO-WIT:

(58th) Subject to the foregoing rights and provisions Oliver Crampton and Ollie Crampton, jointly, Minard Hanks and Stella Hanks, jointly, W. E. Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer, jointly, Joshua Streiff and Ida Streiff, jointly, J. A. Largent, Emma Painter, Mrs. Maggie J. Brown, Mrs. Annie L. Akins, W. S. Painter, Mountain Valley Dairy Products, Inc., T. A. Read, M. W. Jones, J. H. Hutchinson, Mrs. Mary J. Jones, Mrs. M. J. Wimer, Frances Heard, administratrix of the Estate of Porter Heard, Rufus S. Carter, W. A. Odbert, Mrs. Nannie Daniels, S. B. Streif, Horace Hobbs, J. A. Wimer, Thomas Painter, Mrs. Minnie Polander, Mrs. W. M. Streig, Mrs. E. M. Shartell, and S. B. Streif, trustee of Estate of E. P. Streif are the owners of the first right in and to the waters of said Mill Creek, and in and to the use thereof, during the period from January first to December thirty-first, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through the respective ditches, as hereinbefore described in paragraph (2nd), set opposite their respective names, for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic Feet per Second</u>
J. A. Largent	Largent	0.04
J. A. Largent	King	0.10
Emma Painter	King	0.06
Mrs. Maggie J. Brown	Brown	0.09
Oliver Crampton and Mrs. Ollie Crampton, jointly	Brown	0.14
Mrs. Annie L. Akins	Dry	0.09
W. S. Painter	Dry	0.08
Mountain Valleys Dairy Products, Inc.	Watson Pipe	0.01
T. A. Read	Johnson, Read and, or Read Pipe)	0.10
M. W. Jones	Shop	0.01
M. W. Jones	Jones	0.08
J. H. Hutchinson	Hutchinson Pipe and, or Hutchinson Flood)	0.02
Mrs. Mary J. Jones	Barclay	0.04
Mrs. M. J. Wimer	Barclay	0.08
Frances Heard, Administratrix of the Estate of Porter Heard	Heard	0.07
Rufus S. Carter	Odbert	0.07
W. A. Odbert	Odbert	0.08
Mrs. Nannie Daniels	Hotel Pipe and, or Hotel)	0.08
S. B. Streif	Wallace	0.05
Joshua Streiff and Ida Streiff, jointly	Streiff	0.10
Horace Hobbs	Hobbs	0.10
J. A. Wimer	Four Wimer Ditches and, or Hobbs)	0.10
W. E. Polander, Mrs. Clara Vaughn, and Mrs. M. J. Wimer, jointly	Polander	0.04 X
Thomas Painter	Painter-Polander	0.06
Mrs. Minnie Polander	Painter-Polander	0.06
Mrs. W. M. Streig	Streig	0.08
Mrs. E. M. Shartell	Shartell	0.06

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
S. B. Streif, Trustee of Estate of E. P. Streif	Tonningson	0.04
Minard Hanks and Stella Hanks, jointly	Tonningson	0.08

Each and all of the foregoing rights and allotments are first rights for continuous use for garden irrigation, domestic and stock watering purposes throughout the entire year, and are superior to all other rights to the use of water from said Mill Creek, excluding Rutherford Creek and its tributaries; and said allotments of first priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to fully supply such allotments of first priority, then during the continuance of such shortage, the owners of said allotments of first priority shall divide said net available water supply of said Mill Creek, excluding Rutherford Creek and its tributaries, in the ratios that their respective allotments of first priority specified hereinabove in this paragraph bear to the total of said allotments of first priority.

(59th) Subject to the foregoing rights and provisions, Oliver Crampton and Ollie Crampton, jointly, Joshua Streiff and Ida Streiff, jointly, J. A. Largent, Emma Painter, Mrs. Annie L. Akins, W. S. Painter, T. A. Read, J. H. Hutchinson, Mrs. M. J. Wimer, Frances Heard, administratrix of the Estate of Porter Heard, Rufus S. Carter, Mrs. Nannie Daniels, Horace Hobbs, J. A. Wimer, Frances E. Wilson, M. W. Jones, Mrs. W. M. Streig, and Mrs. E. M. Shartell are the owners of the second right in and to the waters of said Mill Creek, and in and to the use thereof, during the period from January first to December thirty-first, inclusive, of each and every year, in the respective amounts set opposite their respective names, their respective ditches, as hereinbefore described in paragraph (2nd), set opposite their respective names, for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit:

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
J. A. Largent	King	0.14
Emma Painter	King	0.06
Oliver Crampton and Ollie Crampton, jointly	Brown	0.10
Mrs. Annie L. Akins	Dry	0.07

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
W. S. Painter	Dry	0.05
T. A. Read	Johnson and, or Read	0.10
J. H. Hutchinson	Hutchinson Flood	0.12
Mrs. M. J. Wimer	Barclay	0.18
Frances Heard, Administratrix of the Estate of Porter Heard	Heard	0.15
Rufus S. Carter	Odbert	0.07
Mrs. Nannie Daniels	Hotel	0.02
Joshua Streiff and Ida Streiff, jointly	Streiff	0.04
Horace Hobbs	Hobbs	0.04
J. A. Wimer	Four Wimer Ditches) and, or Hobbs)	0.10
Frances E. Wilson	Three Wilson Ditches	0.20
M. W. Jones	Jones	0.02
Mrs. W. M. Streig	Streig	0.02
Mrs. E. M. Shartell	Shartell	0.02

Each and all of the foregoing rights and allotments are second rights for continuous use for garden and orchard irrigation, domestic and stock watering purposes throughout the entire year and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Mill Creek, excluding Rutherford Creek and its tributaries; and said allotments of second priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to supply all prior rights and to fully supply such allotments of second priority, then during the continuance of such shortage, the owners of said allotments of second priority shall divide the water, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective allotments of second priority specified hereinabove in this paragraph bear to the total of said allotments of second priority.

(60th) Subject to the foregoing rights and provisions, Oliver Crampton and Ollie Crampton, jointly, Joshua Streiff and Ida Streiff, jointly, Minard Hanks and Stella Hanks, jointly, J. H. Hutchinson, Mrs. M. J. Wimer, Frances

Heard, administratrix of the Estate of Porter Heard, Horace Hobbs, J. A. Wimer, Victor L. Jacobs, Frances E. Wilson, S. B. Streif as trustee of the Estate of E. P. Streif, W. S. Jacobs, Mrs. Phebe Mickle Robinson, George Weilmunster, O. P. Robinson, David W. Baty, and George M. Warrens are the owners of the third right in and to the waters of said Mill Creek, excluding Rutherford Creek and its tributaries, and in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through their respective ditches, as hereinbefore described in paragraph (2nd), set opposite their respective names, for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit; :

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
Oliver Crampton and Ollie Crampton, jointly	Brown	0.90
J. H. Hutchinson	Hutchinson Flood	0.05
Mrs. M. J. Wimer	Barclay	0.04
Frances Heard, administratrix of the Estate of Porter Heard	Heard	0.06
Joshua Streiff and Ida Streiff, jointly	Streiff	0.70
Horace Hobbs	Hobbs	0.75
J. A. Wimer	Four Wimer Ditches) and, or Hobbs)	1.45
Victor L. Jacobs	Bear and, or) Creek Direct)	1.45
Frances E. Wilson	Three Wilson Ditches	1.45
S. B. Streif, Trustee of the Estate of E. P. Streif	Tonningson	0.10
Minard Hanks and Stella Hanks, jointly	Tonningson	0.05
W. S. Jacobs	Jacobs West, Jacobs Dam,) Jacobs East and, or Jacobs) Lower)	1.30
Mrs. Phebe Mickle Robinson	Mickle Dam	0.75
George Weilmunster	Weilmunster, Creek Direct,) and, or Hot Channel)	0.90
O. P. Robinson	Hot Channel, Lower East.) Channel, and, or Lower Main) Channel)	2.40

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
David W. Baty	Hot Channel, Lower) East Channel, and,) or Lower Main Channel)	6.25
George M. Warrens	Lower East Channel) and, or Lower Main) Channel)	1.85

Each and all of the foregoing rights and allotments are third rights for use for irrigation purposes during the season hereinabove defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed, but are superior to all other rights to the use of water from said Mill Creek, excluding Rutherford Creek and its tributaries; and said allotments of third priority are on an equal and correlative basis as to priority, and at all times when the net available water of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to supply all prior rights and to fully supply such allotments of third priority, then during the continuance of such shortage, the owners of said allotments of third priority shall divide the water, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective allotments of third priority specified hereinabove in this paragraph bear to the total of said allotments of third priority; provided, however, that at all times when said flow in excess of all prior rights available for proration among said allotments of third priority is less than 1.50 cubic feet per second, then all of such water available for said allotments of third priority shall be allowed to flow unobstructed down the Wimer Branch of Mill Creek and thence down the Hot Channel of Mill Creek for stock watering purposes.

(61st) Subject to the foregoing rights and provisions, W. E. Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer, jointly, Oliver Crampton and Ollie Crampton, jointly, Joshua Streiff and Ida Streiff, jointly, Minard Hanks and Stella Hanks, jointly, J. A. Largent, Emma Painter, Mrs. Maggie J. Brown, Mrs. Annie L. Akins, W. S. Painter, T. A. Read, J. H. Hutchinson, Mrs. Mary J. Jones, Mrs. M. J. Wimer, Frances Heard, administratrix of the Estate of Porter Heard, Rufus S. Carter, W. A. Odbert, Mrs. Nannie Daniels, S. B. Streif, Horace Hobbs, J. A. Wimer, Frances E. Wilson, Thomas Painter, Mrs. Minnie Polander, M. T. Jones, Mrs. W. M. Streig, Mrs. E. M. Shartell, and S. B. Streif as trustee of the Estate of E. P. Streif are the owners of the fourth right in and to the waters of said Mill Creek, excluding Rutherford Creek and its tributaries, and

in and to the use thereof, during the period from April first to September thirtieth, inclusive, of each and every year, in the respective amounts of water set opposite their respective names, through their respective ditches, as hereinbefore described in paragraph (2nd), set opposite their respective names, for use upon their respective lands so heretofore irrigated and hereinbefore described, to-wit;

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
J. A. Largent	King and, or Largent	0.28
Emma Painter	King	0.12
Mrs. Maggie J. Brown	Brown	0.04
Oliver Crampton and Ollie Crampton, jointly	Brown	0.24
Mrs. Annie L. Akin	Dry	0.16
W. S. Painter	Dry	0.13
T. A. Read	Johnson and, or Read	0.20
J. A. Hutchinson	Hutchinson Flood	0.14
Mrs. Mary J. Jones	Barclay	0.04
Mrs. M. J. Wimer	Barclay	0.26
Frances Heard, administra- trix of the Estate of Porter Heard	Heard	0.22
Rufus S. Carter	Odbert	0.14
W. A. Odbert	Odbert	0.08
Mrs. Nannie Daniels	Hotel	0.11
S. B. Streif	Wallace	0.05
Joshua Streiff and Ida Streiff, jointly	Streiff	0.14
Horace Hobbs	Hobbs	0.14
J. A. Wimer	Four Wimer Ditches) and, or Hobbs)	0.20
Frances E. Wilson	Three Wilson Ditches	0.20
W. E. Polander, Mrs. Clara Vaughn, and Mrs. M. J. Wimer, Jointly	Polander	0.04
Thomas Painter	Painter - Polander	0.06
Mrs. Minnie Polander	Painter - Polander	0.06
M. W. Jones	Jones	0.11
Mrs. W. M. Streig	Streig	0.11

<u>Name</u>	<u>Ditch</u>	<u>Cubic feet per Second</u>
Mrs. E. M. Shartell	Shartell	0.08
S. B. Streif as trustee of the Estate of E. P. Streif	Tonningson	0.04
Minard Hanks and Stella Hanks, jointly	Tonningson	0.08

Each and all of the foregoing rights and allotments are for use for irrigation purposes during the irrigation season defined in this paragraph and are inferior and subject to all rights in this decree hereinbefore adjudged and decreed; and said allotments of fourth priority are on an equal and correlative basis as to priority, and at all times when the net available water supply of said Mill Creek, excluding Rutherford Creek and its tributaries, is inadequate to supply all prior rights and to fully supply such allotments of fourth priority, then during the continuance of such shortage, the owners of said allotments of fourth priority shall divide the water, if any, which may be flowing in said creek in excess of all prior rights, in the ratios that their respective allotments of fourth priority specified hereinabove in this paragraph bear to the total of said allotments of fourth priority.

(62nd) Subject only to the first priority rights of Mrs. Maggie J. Brown, Oliver Crampton and Ollie Crampton, Mrs. Annie L. Akins, W. S. Painter and J. A. Largent in the Brown, Dry, and Largent Ditches, as set forth hereinabove in paragraph (58th), W. A. Odert is at all times during the period between September 15th of each and every year and July 15th of the succeeding year entitled to divert from the natural flow of Mill Creek through the Mill Ditch,

3.00 cubic feet per second,

or as much thereof as he directly applies to beneficial use for the purposes hereinafter set forth; said water to be diverted from said Mill Creek at a point designated on Division of Water Resources Map as Diversion 1, as hereinabove described in paragraph (2nd); and said water to be used for power purposes at the Lake City Flour Mill situated within the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section thirty-six (36), Township forty-four (44) North, Range fifteen (15) East, M.D.B. & M.; provided, however, that all water diverted under the right provided in this paragraph, with the exception of that reasonably lost in transportation, shall be discharged into the Wimer Branch of Mill Creek at a point designated on Division of Water Resources Map as Diversion 9, as hereinabove described in paragraph (2nd); and provided further, that said

rights in said Dry Ditch may be supplied from the tailrace of said mill.

(63rd) Subject to the foregoing rights and provisions George M. Warrens is entitled to divert from the natural flow of Mill Creek by means of the Lower East Channel of said Mill Creek,

0.25 cubic foot per second,

in lieu of an equal amount of water from Rutherford Creek as provided hereinabove in paragraph (57th); said water to be used for the irrigation of 18.2 acres in Lot seven (7), Section nineteen (19) Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

(64th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Division of Water Resources of the Department of Public Works of the State of California, as now or hereafter constituted, or its successor in the administration of the Water Commission Act, shall supervise diversions from Mill Creek and its tributaries, through the agency of a water master, whenever such water master service is found necessary by said Division, to insure strict adherence to the provisions of this decree, and that all costs and expenses of such water master service shall be borne by the parties hereto, said costs and expenses to be apportioned among said parties in accordance with the method of apportioning the costs of water distribution by water master provided in Section 37f of said Water Commission Act of the State of California.

(65th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the owners of each ditch through which water is diverted from Mill Creek and its tributaries as herein provided, shall install, under the supervision of an engineer appointed by said Division of Water Resources, such permanent diversion works, headgates and measuring devices in their respective ditches as shall be required and approved by said Division; such installations to be made prior to October 1, 1932, or such later date as may be ordered by this court. The several ditch owners shall furnish all necessary labor and materials for the construction and installation of said diversion works, headgates and measuring devices in their respective ditches, and the cost of supervision as herein provided shall be borne by the parties hereto, in the following proportion, to-wit:

<u>Name of Party</u>	<u>Per cent of Total Cost</u>
Mrs. Annie L. Akin	0.9
David W. Baty	17.4
Simon Bennett	1.1
Mrs. Maggie J. Brown	0.3
Rufus S. Carter	0.8
Oliver Crampton and Ollie Crampton	3.9
Mrs. Nannie Daniels	3.4
Mrs. C. H. Darst	0.4
Minard Hanks and Stella Hanks	0.6
W. J. Hays	4.3
Frances Heard, administratrix of the Estate of Porter Heard	1.4
Horace Hobbs	2.9
Rev Hobbs	1.5
J. H. Hutchinson	0.9
Victor L. Jacobs	4.0
W. S. Jacobs	3.6
Mrs. Mary J. Jones	0.2
M. W. Jones	0.6
J. A. Largent	1.6
W. A. Odbert	0.5
Emma Painter	0.7
Thomas Painter	0.3
W. S. Painter	0.7
Mrs. Minnie Polander	0.3
W. E. Polander, Mrs. Clara Vaughn, and Mrs. M. J. Wimer	0.2
T. A. Read	1.1
O. P. Robinson	7.7
Mrs. Phebe Mickle Robinson	2.1
Mrs. E. M. Shartell	0.5
Marion Steward	2.5
S. B. Streif, Trustee of Estate of E. P. Streif	0.5
S. B. Streif	0.3

<u>Name of Party</u>	<u>Per cent of Total Cost</u>
Joshua Streiff and Ida Streiff	2.7
Mrs. W. M. Streig	0.6
John Vernon and Bessie Vernon	4.6
George M. Warrens	8.6
Mountain Valleys Dairy Products	0.1
George Weilmunster	2.5
Frances E. Wilson	5.2
Gherald D. Wilson	1.7
J. A. Wimer	5.2
Mrs. M. J. Wimer	1.6

(66th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that nothing in this decree shall be construed to prevent the owners of first priority rights on said Mill Creek, as set forth hereinabove in paragraph (58th), from authorizing the water master to arrange and enforce an emergency schedule of rotation among said owners, in accordance with their respective allotments of first priority, their respective water requirements as to time, and the available water supply, whenever the quantity of water available for diversion from said creek is equal to or less than 1.20 cubic feet per second.

(67th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the points of measurement of allotments in this decree adjudged and decreed shall be at the respective points of diversion from said Mill Creek and its tributaries, except that the point of measurement of the flow in the Bennett Collecting Ditch shall be at a point where its flow is delivered into the channel of Rutherford Creek, and the point of measurement of the flow in the Bennett Re-diversion Ditch shall be at the point where said ditch crosses the east boundary of the Southwest quarter ($SW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section thirty-one (31), Township forty-four (44) North, Range sixteen (16) East, M.D.B. & M.

(68th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party herein adjudged and decreed a right to divert water shall divert from said Mill Creek and its tributaries and branches at any time, a quantity of water in excess of the quantity reasonably necessary for his requirements and being put to beneficial use by said party.

(69th) IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each and

every party to this action, his or her agents, successors, grantees and assigns, be, and they are hereby perpetually enjoined and restrained from doing anything in violation of the terms or provisions of this decree, or diverting any water from said Mill Creek and its tributaries and branches at any time in violation of the terms hereof, or from doing anything that will obstruct or interfere with any other right in this decree adjudged and decreed.

(70th) FINALLY IT IS ORDERED, ADJUDGED, AND DECREED that each party hereto shall pay his own costs; the expenses incurred by said Division of Water Resources, as referee, as set forth in the report of referee on file in this action shall be borne by the parties hereto in the following proportion:

<u>Name</u>	<u>Portion of Expense</u>
Mrs. Annie L. Akin -----	\$ 15.72
David W. Baty -----	307.02
Simon Bennett -----	19.65
Mrs. Maggie J. Brown -----	6.39
Rufus S. Carter -----	13.75
Oliver Crampton and Ollie Crampton -----	67.79
Mrs. Nannie Daniels -----	59.44
Mrs. C. H. Darst -----	7.37
Minard Hanks and Stella Hanks -----	10.32
W. J. Hays -----	76.14
Frances Heard, administratrix of the Estate of Porter Heard -----	24.56
Horace Hobbs -----	50.60
Roy Hobbs -----	17.02
J. H. Hutchinson -----	16.21
Victor L. Jacobs -----	71.23
W. S. Jacobs -----	63.86
Mrs. Mary J. Jones -----	3.93
M. W. Jones -----	10.80
J. A. Largent -----	27.51
Mountain Valleys Dairy Products, Inc. -----	0.50
W. A. Odbert -----	7.86
Emma Painter -----	11.79
Thomas Painter -----	5.89
W. S. Painter -----	12.77
Mrs. Minnie Polander -----	5.89
W. E. Polander, Mrs. Clara Vaughn and Mrs. M. J. Wimer -----	3.93
T. A. Read -----	19.65
O. P. Robinson -----	135.09
Mrs. Phebe Mickle Robinson -----	36.84
Mrs. E. M. Shartell -----	7.86
Marion Steward -----	44.21
S. B. Streif, trustee of Estate of E. P. Streif -----	8.84
S. B. Streif -----	4.91
Joshua Streiff and Ida Streiff -----	48.14
Mrs. M. W. Streig -----	10.32
John Vernon and Bessie Vernon -----	66.05
George M. Warrens -----	137.28
George Weilmunster -----	44.21
Frances E. Wilson -----	90.87
Gherald D. Wilson -----	24.47
J. A. Wimer -----	90.87
Mrs. M. J. Wimer -----	27.51

Total ----- \$ 1,715.06

and the parties hereto shall pay such assessments to the clerk of this court within thirty days from the date of this decree, said clerk to transmit said sums when paid to said Division of Water Resources, 401 Public Works Building, Sacramento, California.

Done in open court this 19th day of December, 1931.

(Signed) F. M. Jamison
Judge of Said Superior Court